

IN THE DRAWINGS

Please replace Fig. 1 with the amended Fig. 1 provided as a Replacement Sheet in ATTACHMENT I to this Amendment. The attached sheet includes changes to Fig. 1 as required by the Office Action. This sheet replaces the original Fig. 1.

Fig. 1 is amended to add a garage door 10c having a leaf 10b, add a door jam 10d, and add a portion of a building 10a which is opened and closed by the door 10c. Fig. 1 is also amended to add a drive tube 10a connected to the driven shaft 10. Fig. 1 is also amended to add the drive tube 10a functionally connected to the door leaf 10b by connectors 10f, for example cables or other suitable connectors, and indicate vertical movement of the door 10c as line "D".

## REMARKS

Reconsideration of all grounds of objection and rejection, and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-33, as amended, remain pending.

The claims are amended to clarify the invention. In particular, with regard to at least claim 1, the term "building closure operator assembly" has been changed to "automated door closure assembly", support is found in the specification at least at page 1, lines 8-9, where a building closure (element 2 in Fig. 1) is referred to as a door (please see element 10c in Fig. 1). In addition the term "drive motor" is used to describe the electric motor (element 6, Fig. 1); the engagement means refers to hardware (gearing 9, driven shaft 10, door tube or door shaft 10a, door leaf 10b, etc., that engages with the drive motor (electric motor 6) to move a door as shown in one embodiment in Fig. 1 and described at page 11, lines 28-30. The term "decoupling means" replaces the term "actuating means 14" (shown in Fig. 1) and refers to a mount 20, pull handle 22 and safety means 24 (Specification, page 12, lines 23-24). After manually decoupling the safety means 24 from blocking access to the pull handle 22, and the pull handle 22 can be pulled so that linking transmission means 16 has a bowden cable 26, a spring assembly 27 and a second mount 28 to cause the coupling means 11 to move lever 12 (specification at page 12, lines 16-17) to disengage the driven shaft 10 from the gearing 9 (specification at page 12, lines 1-7) when the pull handle 22 is moved. The safety means 24 must be manually addressed (a.k.a. "neutralized") by either using a tool, a key, breaking a glass cover (specification at page 4, lines 9-13 and 20-24, and page 5, lines 30-32). Thus, the unintentional actuation of the release device is prevented, during the normal operation of the automated door.

With regard to claim 2, the term "building closable area" is the area that is enclosed when a door is moved into a closed position. This area is inherently present in a space that is closed off via a door.

With regard to claim 3, the term "regardless of a position of a door that is movable by said door closure assembly refers" finds support in the specification at page 3, line 25-29. Applicants respectfully affirm no new matter has been added to this application.

New Claim 33 recites the last paragraph of amended Claim 1.

### I. Objections to the Drawings

Applicants respectfully submit that a replacement sheet containing changes to Fig. 1 required by the Office Action is submitted herewith. An annotated copy is also attached for the convenience of the Examiner. The drive shaft 10a, door leaf 10b, and door 10c have been added. The specification has been updated in a paragraph beginning at page 11, line 24, to reflect these drawing changes. Support for these items added to the drawings are found in the specification in the paragraph beginning at page 11, line 24, and the claim language. Applicants again respectfully affirm no new matter has been added to this application.

Most sectional doors include a door frame as stationary part and a door leaf as movable part as schematically shown in amended Fig. 1. The door leaf is in most cases coupled to a door shaft that rotates when the door leaf is moving. A torsion spring (not shown) is coupled to the door shaft for biasing the door shaft into the opening direction. Thus, the unit typically has a door shaft, torsion spring and the transmission means coupling the door shaft to the door leaf (normally by wire cables wounded up on cable drums arranged at the ends of the door shaft) to establish a counter balancing system for counterbalancing the weight of the door leaf. Page 2 of the present application generally discusses counterbalancing systems.

The term "drive tube 10a" of amended Fig. 1 stands for that door shaft (normally a hollow shaft). The door operator itself has a driven shaft 10 to be connected to that door shaft termed "drive tube" to distinguish the door shaft from the driven shaft 10 of the door operator.

In addition, Applicants respectfully submit the claimed invention is directed to an emergency release device for an automated door closure (e.g. building closure *vis a vis* closure of the door) assembly. Applicants respectfully submit that while the door closure assembly can be mounted onto a door jamb, the Applicants do not claim a door jamb, which is a frame that is normally attached to a wall and to which a door is hingedly attached. Nor do the Applicants claim a building or an overhead. Terms such as "overhead" have been deleted from the amended claims. However, these items are not (and never were) elements of the claims, and thus the drawings are in compliance with 37 C.F.R. §1.83(a).

Reconsideration and withdrawal of all grounds of objections to the drawings are respectfully considered.

## II. Objection to the Abstract of the Disclosure

The Abstract has been amended to remove the "means" phraseology. Reconsideration and withdrawal of this ground of objection is respectfully requested.

**III. Rejection of Claims 1-32 under 35 U.S.C. §112, second paragraph**

Applicants have exercised good faith in addressing all of the grounds under 35 U.S.C. §112, second paragraph that were cited in the Office Action. Proper antecedent basis is provided for all of the claimed elements. Moreover, alternative expressions have been removed and reworded in accordance with standard U.S. practice. Applicants note that for example, that the "safety or securing means" is now referred to as a "safety means"; in addition, the "actuating means" has been changed to "decoupling means" because the decoupling means is adapted to uncouple, for example, the connection of the engagement means to the drive motor that moves the door.

In addition, the manual actuator is movable relative to the mount for actuating an emergency device. The manual actuator is operable by manual intervention, such as by inserting a tool into the actuator, or inserting a key, or by breaking of a blocking member (such as a shroud, glass cover, etc.) so that activation of the manual activator is not unintentionally performed.

Claim 27's self locking gearing is the gearing, e.g., self locking worm gear 9 of Fig. 1 and page 11, which locks in the event of a power outage. Page 1 mentions self-locking capability. The self-locking is a valuable safety feature. For example, in the event of a power outage, the self locking can prevent an open door from rushing down.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

**IV. Rejections of Claims 1-32 under 35 U.S.C. §102(b)**

Claims 1-32 stand rejected less than 35 U.S.C. §102(b) as allegedly being anticipated by Slopa (U.S. 4,098,023). Applicants respectfully traverse this ground of rejection.

The prior art door release device has self locking to release, in the event of a power failure, only when the door is fully closed as a safety mechanism. However, this has its own problems, in that one has to detect the closing position even in the event of a power failure, and one has to provide a sure blocking device for blocking the releasing device which blocking device is activated by the door moving out from the closing position. Furthermore if an authorized person wants to use the releasing device for fully closing or opening the door during a power failure, the person has to first bring down the door to the closing position to operate the releasing device.

The present invention solves the prior art problems by providing a safety means which blocks the releasing device, but which can be overridden (released) by manually using

a key or specialized tool or by destroying it (much like breaking a glass window to reach a fire alarm switch).

Applicants have amended claim 1 to recite that the safety means is adapted to prevent unintentional actuation of the emergency release device by requiring manual intervention to neutralize the safety means before an actuation of the decoupling means can be permitted.

For example, to release the door from its connection to the motor in case of an emergency, one *must first take steps to neutralize the safety means*, such as using a specialized tool, activating a specialized key, or breaking a glass cover (a.k.a. shroud). The specification at least at page 4, lines 15-24 and various originally filed claims have language supporting this feature. The claimed safety means of the present invention is not taught or disclosed by Slopa. As discussed in the specification, this feature virtually eliminates the possibility of accidental actuation of the emergency release device, and reduces the chance of injury.

For example, as disclosed in the specification at page 6, lines 30-33, the need to manually intervene with a special tool, a key, or break a glass shroud will normally cause a user to think about their actions and not just pull on some emergency cord in a panicked state of mind. It was even suggested that the emergency instructions might have to be read before being activated, so the user will understand how to activate the emergency release. Not only does this feature provide an opportunity to warn about a door that might be free-falling and cause injury once the release is pulled, it reduces the possibility that, for example, a curious child might pull on the decoupling handle and suffer serious injury.

Applicants respectfully submit that with regard to claim 1, Slopa fails to disclose or even suggest the above-claimed features. All Slopa discloses is the use of a padlock on an outside cable of a garage door opener to deter theft. However, there is still a cable inside the garage that could be pulled mindlessly by a child or user while the outside cable is locked. Slopa thus makes no provision for the unintentional actuation, particularly from the inside of the garage, such as could be the case if an unattended child would walk from the one of the rooms in a house into the garage and proceed to pull the release cord.

With regard to present claim 2, Applicants respectfully submit that while Slopa only discloses a padlock to deter activation from the outside. Slopa is silent with regard to activation from the inside by a user. As present claim 2 recites in part that the "safety means is adapted to prevent unauthorized actuation both inside and outside of a building area enclosable by the automated door closure assembly by requiring manual intervention to

neutralize a safety means before any actuation of said decoupling means" can occur, applicants respectfully submit that it is clear that the above-claimed recitation is not disclosed or suggested by Slopa.

With regard to present claim 3, Applicants respectfully submit that Slopa fails to disclose or suggest that the decoupling means is adapted for releasing engagement of the engagement means with said drive motor regardless of a position of a door that is movable by the door closure assembly.

Applicants respectfully submit that Slopa is the type of device that only releases the motor from the door when the door is return to a fully closed position, and then the cord is pulled. If the door should get stuck half way up, a large amount of force may have to be applied to move the door back down to the closed position. Devices such as Slopa operate in this manner so the user is not hit with the door if it is in the air and the release is pulled.

However, the present invention can be used to release engagement of the door from the drive motor no matter what position the door is at the time of failure. The additional feature of the safety means that causes the user to take the additional steps to neutralize the safety device by manual intervention prior to actuation of the decoupling means provides a built in safety check that is not present in devices such as Slopa. Thus, because of the additional safety means, the manufacturers are permitted to provide the user with the option of releasing the door at any position between its fully open and fully closed positions. Slopa fails to disclose or suggest these claimed features.

With regard to claim 6, Applicants respectfully submit that Slopa fails to disclose or suggest that the safety means functions to perform functions both inside and outside of an area enclosable by a garage door by performing at least one of:

blocking movement of the decoupling assembly;

blocking access to the decoupling means; or

blocking the linking transmission means from releasing a coupling of the door to the drive motor.

As Slopa fails to make any such teachings or suggestions of these claimed features, it is respectfully submitted that claim 6 is not anticipated by Slopa.

Applicants respectfully submit that all of the remaining claims are patentable both for their dependence from an independent claim that is believed to be allowable, but also because of an independent basis for patentability. For example, claim 24 recites a decoupling means

comprises a mount and a manual actuator movable relative to the mount for actuating the emergency release device.

Reconsideration and withdrawal of all grounds of rejection under 35 U.S.C. 102(b) are respectfully requested.

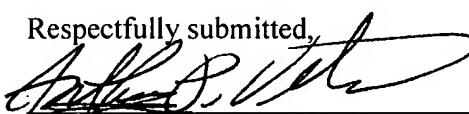
Finally, it is noted that the Examiner mentions unapplied art found in his search that allegedly "is similar" to Applicants invention. Applicant responds that without specifics, it appears that such unapplied art is similar to Slopa, not to the claimed invention, in that at the very least, not of the other art discloses or suggests a safety means that must be neutralized prior to activation of an emergency release device, as in the present claimed invention.

V. Conclusion

In view of the above it is respectfully submitted that all objections and rejections in the Office Action of September 6, 2005 are overcome. Hence, a Notice of Allowance is respectfully requested.

Date: Dec. 6, 2005

By:

Respectfully submitted,  


Anthony P. Venturino  
Registration No. 31,674

APV/SG

ATTORNEY DOCKET NO. APV31658

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1615 L STREET, N.W., SUITE 850  
WASHINGTON, D.C. 20036  
TEL. 202-785-0100 / FAX. 202-785-0200

**ATTACHMENT I - Replacement Sheet**